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July 15, 2023

Via Email

The Honorable John P. Cronan
U.S. District Judge
Southern District of New York

Re: United States v. Alexandre, No. 22 Cr. 326 (JPC)

Dear Judge Cronan:

We write on behalf of Eddy Alexandre in response to the prosecutors' July 14, 2023 sealing application. (Dkt. No. 95). On July 12, we objected to the prosecutors' failure to submit a sealing application in connection with their sentencing submission. (Dkt. No. 89). Our application was based on established authorities requiring such an application, including Your Honor's rules, and not an "apparent desire to publicize" victim information. (Dkt. No. 95 at 2). For example, the sentencing submission purported to require attorneys'-eyes-only handling of certain exhibits, which would have resulted in a violation of Rule 32(i)(1)(B), without explaining why the prosecutors believed that measure was necessary. The prosecutors have now abandoned that unlawful position, and we do not dispute that their July 14 application establishes a basis for the requested sealing. While we do not concede that the prosecutors have established a basis for restricting Eddy's access to any of the sentencing materials, in the interest of expediency as the sentencing quickly approaches, we agree to maintain "sole custody of Government Exhibits F, G, H, N, O, and P" so that we can continue to work with Eddy this weekend to prepare for the hearing.

Respectfully submitted,

/s/ Emil Bove

Emil Bove
Brittany Manna
Chiesa Shahinian & Giantomaso PC

Attorneys for Eddy Alexandre

Cc: Counsel of Record
(Via Email)

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In light of Defendant's acknowledgment that the Government has "establishe[d] a basis for the requested sealing" of Exhibits F, G, H, N, O, and P to the Government's submission, Dkt. 96 at 1, and based on the Court's own review of those materials, the Government's request to maintain those exhibits under seal is granted. The Court finds the presumption of public access to the information contained in these exhibits is sufficiently outweighed by countervailing factors. *See Lugosch v. Pyramid Co. of Onondaga Cnty.*, 435 F.3d 110 (2d Cir. 2006).

By July 18, 2023, at 12:00 p.m., the Government shall re-file its sentencing submission, with Exhibits I through M available for public viewing, with any victims' names and other personal identifying information redacted

SO ORDERED.

July 17, 2023

New York, New York



JOHN P. CRONAN
United States District Judge